

The Honorable JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LAFECT CAMPBELL, WILLIAM R.
BROWN, DANNY CROWDER, JOSE
FERREZ, DUANE JONES, EDWIN
KYLES, DONALD L. MILLS, JR.,
CORNELL TUNNEY, BERNARD
WOODS, THURMAN E. YOUNG, JR.
WALID AL-ADSSANI, GREGORY
HILLS.

CASE NO.: CO8-0181 JLR

MOTION TO WITHDRAW

NOTED FOR CONSIDERATION:
January 28, 2008

PLAINTIFFS.

VS.

OBAYASHI CORPORATION, INC., A
FOREIGN CORPORATION, PARSONS
BRINCKERHOFF CONSTRUCTION
SERVICES, INC. D/B/A RCI
CONSTRUCTION, A DOMESTIC
CORPORATION AND BALFOUR
BEATTY RAIL CORPORATION, INC.,
A FOREIGN CORPORATION.

DEFENDANTS.

1. Facts

Counsel of record for the plaintiffs in this matter is Lori S. Haskell. The

Plaintiffs collectively have a common action against the Defendants, which arose out of common evidentiary circumstances. In the course of recent discovery,

1 Plaintiffs' counsel perceived that she may be in circumstances that involve a
2 potential ethical conflict. Immediately, Counsel took steps to resolve the potential
3 ethical dilemma. Despite the actions taken Counsel has determined that the
4 dilemma cannot be resolved. Counsel has determined that she must withdraw from
5 representing all of the Plaintiffs.

7 Discovery cutoff in this matter is February 2, 2009 and the case is set for
8 trial on June 2, 2009. Counsel for Plaintiffs has devoted considerable time and
9 resources to representing the Plaintiffs, nevertheless the potential ethical
10 compromise is a problem that appears to have no solution as to this counsel for all
11 these Plaintiffs or any individual Plaintiff. In an effort to avoid the need to
12 withdraw from representing all the Plaintiffs the following has been done.

15 Counsel has (a) consulted with the Washington State Bar Association, (b)
16 researched the issue that prompted her concerns about the potential ethical
17 implications, (c) , consulted with other attorneys about potential options and (d)
18 attempted to find other counsels to immediately take over representation of the
19 Plaintiffs. Based upon the foregoing, Counsel has concluded that due to the nature
20 of the ethical conflict she must withdraw. [See Declaration of Lori S. Haskell.]

23 Plaintiffs' counsel will make all files available immediately to any attorney
24 who wishes to review the case on behalf of the individual plaintiffs and will do
25 everything necessary to transition the matter to any attorneys retained by the
26

1 plaintiffs. Due to the nature of the conflict and plaintiffs' counsel's conclusion that
2 ethically she must withdraw from representing all the plaintiffs, she is requesting a
3 continuance so that new counsels will have adequate time to effectively represent
4 the individual plaintiffs.

5

6 II. STATEMENT OF ISSUES

7 1. Does due process demand that when a counsel representing multiple Plaintiffs
8 determines that an ethical conflict exists and that withdrawal as counsel is the only
9 option that a continuance be granted to allow for new counsel for the individual
10 plaintiffs.
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13 IV. EVIDENCE RELIED UPON

14 1. Declaration of Lori S. Haskell.
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17 V. AUTHORITY

18 FRCP GR 2(g)4(A) provides for withdrawal of counsel and the Rules of
19 Professional Conduct mandate that counsel must withdraw when faced with an
20 ethical conflict. Trial in this matter should be continued so that the individual
21 plaintiffs can retain appropriate representation.
22

23

24 CONCLUSION

1 This court should allow Plaintiffs' Counsel to withdraw so that her ethical
2 duties are not compromised. In addition, a continuance should be granted to
3 provide adequate time for the plaintiffs to retain alternative counsel.
4

5 Respectfully submitted this 16th day of January, 2008.

6
7 Lori S. Haskell
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9 1900 W. Nickerson St. #209
10 Seattle, WA 98119
11 Tele. (206) 285-4130

12 **DECLARATION OF SERVICE**

13
14 The undersigned declares under penalty of perjury under the laws of the
15 United States that a true and accurate copy of the document to which this
16 declaration is affixed, the Declaration of Lori S. Haskell, was delivered via
17 messenger and ECF Notification. on this 16th day of January, 2008 to:

18
19 James P. Wagner
20 Alexander Baehr
21 Dorsey Whitney
22 1421 Fifth Avenue, Suite 3400
23 Seattle, WA 98101
24 wagner.james@dorsey.com,
25 baehr.alexander@dorsey.com

26
27 Karen P. Kruse
28 Barry Alan Johnsrud
29 Laurie L. Johnston
30 Jackson Lewis
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3 KruseK@jacksonlewis.com,
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6 This motion has been served on:

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23 1300 E. Union Street, #7
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27 Seattle, Washington 98144

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32 6812 So. 123rd St, Apt. 56
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1 Gregory Hills
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7

8 Dated this 15th day of January, at Seattle, Washington.
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12 _____
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